



Federal Communications Commission
Washington, D.C. 20554

0500822

May 9, 2005

DOCKET FILE COPY ORIGINAL

The Honorable Donald A. Manzullo
U.S. House of Representatives
2228 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Manzullo:

Thank you for your letter, dated April 12, 2005, on behalf of Walter Schmitt, a constituent from Machesney Park, Illinois. Mr. Schmitt is concerned with recent proposals made by the Commission regarding the use of wireless telephones in airborne aircraft. In particular, he states that there is "no hard evidence" that cell phone use will not interfere with aircraft navigational instruments. In addition, he believes that the introduction of cellular telephones on airplanes will increase passenger tension, compromise flight attendants' ability to maintain order in an emergency, and possibly facilitate terrorist coordination. You ask that we review this matter and provide information that addresses Mr. Schmitt's concerns.

On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking (Notice)* in WT Docket No. 04-435 that proposes to relax the Commission's current ban on the use of 800 MHz cellular telephones in airborne aircraft, including airplanes. In 1991, the Commission adopted the current ban on the airborne use of cell phones out of concern that such use would interfere with terrestrial cellular networks. On the other hand, the Federal Aviation Administration (FAA) regulates the use of cellular telephones, as well as other transmitting portable electronic devices (T-PEDs), on airplanes, out of concern that such devices might interfere with aircraft communications and navigation systems.

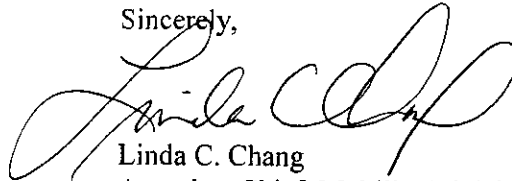
Since 1991, advances in technology appear to address the Commission's initial concerns of interference that warranted adoption of the ban. Consequently, the Commission believes that it may now be possible for the traveling public to use their cell phones while airborne without increasing the risk of interference to cellular systems on the ground. Accordingly, in the *Notice*, the Commission proposes to relax the ban on the airborne use of cellular telephones so long as the phones are controlled by a "pico cell" installed onboard private or commercial aircraft that directs the handsets to operate at or near their lowest applicable power settings. It also seeks comment on the practicality of an industry-initiated solution that would enable use of airborne cellular units without the FCC having to mandate technical rules. Finally, the *Notice* seeks comment as to whether the Commission should allow licensees to provide 800 MHz cellular service to airborne wireless units on a secondary basis, subject to certain technical limitations that would ensure no interference to terrestrial operations.

The public is encouraged to submit comments in this proceeding. The filing deadline for comments is May 26, 2005, and for reply comments it is June 27, 2005.

The Honorable Donald A. Manzullo
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I appreciate your interest in this matter. Your letter, as well as this response, will be placed in the record of this proceeding. Please do not hesitate to contact me, or Guy Benson, Mobility Division, Wireless Telecommunications Bureau, at 202-418-2946, if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda C. Chang", with a large, stylized flourish extending from the end of the signature.

Linda C. Chang
Associate Chief, Mobility Division
Wireless Telecommunications Bureau

DONALD A. MANZULLO
COMMITTEE ON SMALL BUSINESS
CHAIRMAN

COMMITTEE ON
FINANCIAL SERVICES
SUBCOMMITTEE ON
CAPITAL MARKETS, INSURANCE
AND GOVERNMENT
SPONSORED ENTERPRISES
SUBCOMMITTEE ON
DOMESTIC AND INTERNATIONAL
MONETARY POLICY,
TRADE AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515-1318

April 12, 2005

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www.house.gov/manzullo

Chairman Kevin Martin
Federal Communications Commission
445 12th St. SW #8-B201
Washington, DC 20554

Dear Kevin:

I have been contacted by Walter Schmitt, a constituent from Machesney Park, Illinois who is inquiring about restrictions on cell phones on aircraft.

I have enclosed a copy of the original letter, and I would appreciate it if you could please provide us information that addresses Mr. Schmitt's concerns consistent with your applicable rules and regulations.

I know that the matter will be carefully and objectively reviewed, and I am grateful for any assistance you may be able to render. Please forward any correspondence to my staff assistant **Mary Ellen Brown** in my Washington D.C. office. I look forward to hearing from you soon.

Thank you for your consideration of this matter.

Sincerely,



Donald A. Manzullo
Member of Congress

PLEASE RESPOND TO:
2228 Rayburn House Office Building
Washington, D.C. 20515
(202) 225-5676
(202) 225-5284 (Fax)

WFB
JTB

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Brown, MaryEllen

From: writerep
Sent: Wednesday, March 30, 2005 7:02 PM
To: IL16WYR
Subject: WriteRep Responses

DATE: March 30, 2005 6:33 PM
NAME: Walter Schmitt II
ADDR1: 10005 Gentian Drive
ADDR2:
ADDR3:
CITY: Machesney Park
STATE: Illinois
ZIP: 61115-1542
PHONE:
EMAIL: wjs621@insightbb.com
Message:

FCC Commissioners
The Federal Communications Commission RE: Docket 04-435
445 12th Street, SW
Washington, DC 20554

Dear FCC Commissioners ,

I am writing to voice my concerns about the FCC's proposal to relax the restrictions on the use of cell phones on airplanes in flight.

There is no hard evidence that cell phone use doesn't interfere with navigational instruments. The introduction of cell phone use in the cabin will not only increase tension among passengers, it will compromise flight attendants' ability to maintain order in an emergency. Cell phone use could also enable terrorists to coordinate a plan of action more effectively.

Please leave the current rules in effect.

Sincerely,

Walter Schmitt II
10005 Gentian Drive
Machesney Park, Illinois 61115-1542

cc:
Senator Dick Durbin
Senator Barack Obama
Representative Don Manzullo